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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/070,506

03/17/2002

Guy Marcel Charles Claude Breger

144-220

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02/22/2005

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EXAMINER

FUNK, STEPHEN R

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 02/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/070,506

Applicant(s)

BREGER ET AL.

Examiner

Stephen R. Funk

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 3-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-8 and 10 is/are rejected.
- 7) ☒ Claim(s) 9,11 and 12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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The drawings were received on 12/15/04. These drawings are acceptable.

Claims 9 - 12 are objected to because of the following informalities:

In claim 9 lines 15 and 16 "cylinder" should be --cylinder tool-- so as to be consistent in terminology with the previous recitation. In claim 9 line 15 "transfer elements" would appear to be a double recitation of "successive elements" in line 12.

In claim 10 line 1 "transfer cylinder" should be --transfer cylinder tool-- so as to be consistent in terminology with claim 8. In line 2 "transfer elements" would appear to be a double recitation of "successive elements" in claim 8 line 2.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 3 - 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyfeler et al. ('855) in view of Johnstone (US 6,223,799). Nyfeler et al. teach means (20) for driving a transfer film (4, 5), means (14) for driving a receiving web (1), a transfer station (11, 11') having a transfer means (12, 13), control means (31) for controlling the film drive means

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(column 4 lines 4 - 25, column 5 lines 59 - 63, column 8 lines 44 - 50), the web drive means (column 3 lines 4 - 9, column 5 lines 59 - 63, column 8 lines 35 - 39), and the transfer means (column 5 lines 59 -- 63, column 7 lines 35 - 48, column 8 lines 39 - 44). The web drive means (14) including at least one roller (16, 17, 36, 36') located downstream of the transfer station. Nyfeler et al. do not teach a film drive means downstream of the transfer station that is controlled by the control means. Johnstone teaches a similar system including film drive means (66 - 68) including at least one roller (66, 67) downstream of a transfer station (236) that is controlled by a control means (column 7 lines 4 - 13). It would have been obvious to one of ordinary skill in the art to provide the system of Nyfeler et al. with a controllable downstream film drive means in view of Johnstone so as to accurately control the feed and tension of the film through the transfer station. The broad recitation of providing a film drive means downstream of the transfer station does not preclude a film drive means also located upstream of the transfer station.

With respect to claim 3 note the transfer cylinder tool (27) of Nyfeler et al.

With respect to claims 4 and 5 Nyfeler et al. teach first (37) and second (38) detectors to control the feed movement of a strip (1) and film (4). See column 7 line 6+ of Nyfeler et al.

With respect to claim 6 the drive means of Nyfeler et al. must inherently be operated one of step-by-step or continuously.

Claims 7, 8, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nyfeler et al. in view of Johnstone as applied to the claims above, and further in view of Aindow et al. ('368). Nyfeler et al. do not teach a plurality of film drive means or a transfer cylinder for printing successive motifs with an offset. Aindow et al. teach a plurality of film drive means (150) disposed in parallel and a transfer cylinder (102) having successive motif elements (4)

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offset laterally across the transfer cylinder. See page 2 lines 34 - 35 and page 5 lines 14 - 22 of Aindow et al., for example. It would have been obvious to one of ordinary skill in the art to provide the system of Nyfeler et al., as modified by Johnstone, with a plurality of drive means and successive offset motif elements in view of Aindow et al. so as to print laterally spaced motifs across the strip. With respect to claim 10 the recitation that the transfer elements are "adapted to apply" polychromatic motifs, holographic patterns, and zones adapted to receive binary recordings does not limit the structure of the transfer element.

Claims 9, 11, and 12 would be allowable if rewritten to overcome the objections set forth in this Office action.

Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

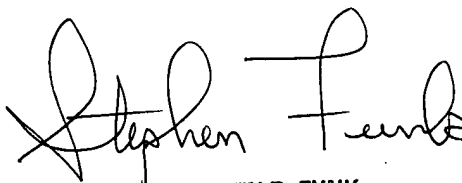
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen R. Funk whose telephone number is (571) 272-2164.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Drew Hirshfeld, can be reached at (571) 272-2168.

The fax phone number for ALL official papers is (703) 872-9306. Upon consulting with the examiner *unofficial* papers only may be faxed directly to the examiner at (571) 273-2164.

SRF
February 17, 2005



STEPHEN R. FUNK
PRIMARY EXAMINER